

June 22, 2010

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

227324
ENTERED
Office of Proceedings

JUN 23 2010

Part of
Public Record

Re: STB Docket No. AB-55 (Sub-No. 501X), CSX Transportation Inc.- Abandonment
Exemption-in Lucas County, OH

Dear Ms. Brown:

This comment is filed on behalf of the Metroparks of the Toledo Area, which is an Ohio political subdivision (government entity established under Section 1545 of the Ohio Revised Code) interested in natural resource conservation, education and recreation, including the establishment of pedestrian and inter-modal corridors, hereinafter referred to as "Commenter." Pursuant to 49 C.F.R. 1002.2(e)(1), Commenter as a state government entity requests waiver of the fee for filing this request for a Public Use Condition and Notice of Interim Trail Use.

Commenter requests issuance of a Notice of Interim Trail Use for CSX Transportation, Inc.'s ("CSXT") 2.15-mile rail line between milepost CO 14.31 and milepost CO 16.46 at Bates, at Lucas and Wood Counties, OH (the "Line").

The railroad right-of-way in this proceeding is suitable for railbanking. CSXT received authorization from the Interstate Commerce Commission to abandon the Line in *CSX Transportation, Inc.-Abandonment Exemption-in Lucas and Wood Counties, OH*, ICC Docket No. AB-55 (Sub-No. 501X) (ICC served March 8, 1995) and abandonment of the Line was subjected to an historic condition in *CSX Transportation, Inc.-Abandonment Exemption-in Lucas and Wood Counties, OH*, ICC Docket No. AB-55 (Sub-No. 501X) (ICC Served April 7, 1995). Commenter does not believe that the historic condition has been removed. Even if the historic condition has been removed, Commenter is advised by CSXT that CSXT has not consummated the abandonment. Since CSXT sought abandonment authority on February 16, 1995, the abandonment is not subject to 49 C.F.R. §1152.29(e)(2), requiring the filing of a notice of consummation within one year of the service. See *Aban. And Discon. Of R. lines and Transp. Under 49 U.S.C. 10903, 2 S.T.B. 311, 317 (1997)* ("we clarify that the rule requiring a mandatory notice of consummation applies only to abandonment proceedings filed *after* the effective date of the new regulations, January 23, 1997.")

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 16 U.S.C. § 1247(d), and 49 C.F.R. §1152.29, Metroparks of the Toledo Area is willing to thereupon assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by CSX Transportation Inc. and operated by CSX Transportation Inc. The property extends from railroad milepost CO-14.31 at River Road to milepost CO-16.46, at Bates, a distance of 2.15 miles in Lucas and Wood Counties, OH. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-55 (Sub-No. 501X).

FILING FEE WAIVED

A map of the property depicting the right-of-way is attached.

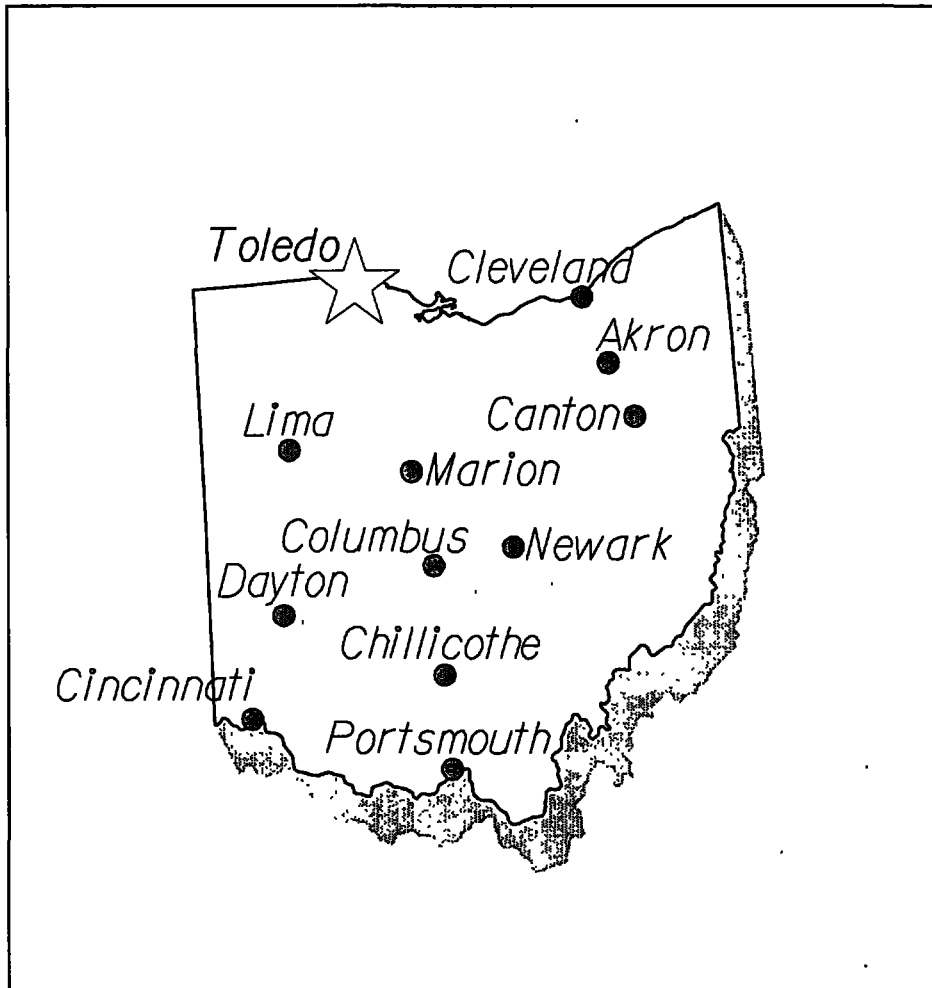
The Metroparks of the Toledo Area acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on CSXT on the same date it is being served on the Board.

Respectfully submitted,

A handwritten signature in black ink, reading "Donald R. Rettig, Jr." in a cursive script.

Don Rettig
Director

Cc: CSX Transportation, Inc.
The Trust for Public Land
Toledo Metropolitan Council of Governments
University of Toledo
Ohio Department of Transportation, District 2



Toledo, OH

AREA MAP

- Proposed Abandonment -

A Portion of the Toledo Backside
From Milepost CO 14.31 to Milepost CO 16.46,
A Distance of 2.15 Miles +/-,
City of Toledo, Lucas County, Ohio

